

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

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**P.A.S.:** Special Permit #1996 **DATE:** November 26, 2002

**SCHEDULED PLANNING COMMISSION MEETING:** **DATE:** December 11, 2002

**PROPOSAL:** Increase the lot coverage to include a lot and two existing buildings.

**LAND AREA:** 37,573 square feet, more or less.

**CONCLUSION:** In conformance with the 2025 Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>	<b>Conditional Approval</b>
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 1-2 and 10-12, Block 192 Original Plat of Lincoln, plus the vacated east west alley except the north 8' of the west 50' of the alley

**LOCATION:** 9<sup>th</sup> and D Streets

**APPLICANT:** Zion Church  
5821 Prescott Place  
Lincoln, NE 68506  
(402)488-0179

**OWNER:** Zion Church

**CONTACT:** Jefferson Downing  
530 S. 13<sup>th</sup> Street  
Lincoln, NE 68508  
(402)475-8230

**EXISTING ZONING:** R-6, Residential

**EXISTING LAND USE:** Church and single family residence with detached garage

**SURROUNDING LAND USE AND ZONING:**

North:	Single and multifamily	R-6, Residential
South:	Single and multifamily	R-6, Residential
East:	Single and multifamily	R-6, Residential
West:	Single and multifamily, park R-6, Residential, P, Public	

**ASSOCIATED APPLICATIONS:** Board of Zoning Appeals #2346

**COMPREHENSIVE PLAN SPECIFICATIONS:** Shown as Urban Residential in the Land Use Plan (F-25).

Guiding Principles for the Urban Environment include:

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F-18).

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want or cannot drive an automobile. Promote residential development, economic development and employment opportunities throughout the City (F-18).

Guiding Principles for Existing Neighborhoods include:

Encourage retention of single family uses in order to maintain a mix of housing (F-69)

Support retention of public uses (elementary schools, churches) as centers of neighborhood - encourage shared parking whenever possible – permit minor incursions of accessory parking for public/semi public uses into neighborhood if properly screened (F-69).

**HISTORY:** Board of Zoning Appeals #2234 to allow parking in the front yard was approved on September 17, 1998.

Zoned D, Multiple Family Dwelling until it was updated to R-6, Residential during the 1979 zoning update.

**TRAFFIC ANALYSIS:** S. 9<sup>th</sup> Street is classified as an urban principal arterial and D Street is classified as an urban collector. The property takes access to E Street, a local street.

**ANALYSIS:**

1. The church purchased Lot 10, Block 192 Original Plat with an existing residence and garage. The church desires to use the existing house for a caretaker residence and existing garage for youth ministry.

2. The church and its related buildings currently cover 23.9% of the lot area. After acquisition of the property to the west lot coverage is 27%.
3. Section 27.63.520 allows up to a 5% increase in lot coverage, provided that available parking is not reduced and that no additional lands are available for acquisition. Parking is not changed because it is based on the largest assembly area and neither of the two additional buildings are larger than the assembly area inside the main church building. The church is surrounded by other residential buildings. The proposed increase would allow a maximum coverage of 28.9%. If the entire 5% increase is approved, the church could request administrative amendments to allow future additions.
4. Presently the applicant is in the process of requesting a variance through the Board of Zoning Appeals for the side yard setback of the existing residence and garage. If the variance is not granted, the church would have to tear down or move the existing buildings and reconstruct within the required setbacks. Because the church acquired the property and wishes to use it for church use, the setback requirements are greater. The requested variances only apply to the buildings as shown. If the variance is not granted the buildings must be moved or revert to their former use.
5. Churches near the downtown area were primarily built prior to the restriction on lot coverage, therefore, many of the churches in the downtown area cover more than 15% of their lot area.

**CONDITIONS:**

Site Specific:

1. This approval permits the addition of a residence and garage to be used for accessory church purposes with an associated increase in permitted lot coverage up to 28.9%.

General:

2. Before receiving building permits:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
    - 2.1.1 A revised site plan including 6 copies showing the following revisions:

- 2.1.1.1 Revise the site plan to show the square footage of the largest assembly area.
- 2.1.1.2 Revise the site plan to indicate a scaled drawing.
- 2.1.1.3 Revise the survey to include portions of the vacated alley.
- 2.1.1.4 Revise the site plan to indicate the percentage of actual and proposed lot coverage.
- 2.1.2 A coordinated development and occupancy schedule approved by the Director of Planning.
- 2.1.3 A permanent reproducible final site plan with 5 copies as approved.
- 2.2 The construction plans comply with the approved plans.
- 2.4 If BZA #2346 is not approved the existing garage and single family dwelling must be moved to meet setback requirements or revert to their former uses.
- 2.7 A change of occupancy must be obtained from the Building and Safety Department for the existing garage or the garage is removed.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
  - 3.1 Before occupying the residence and garage all development and construction is to comply with the approved plans.
  - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
  - 3.5 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.7 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.8 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however,

said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Becky Horner

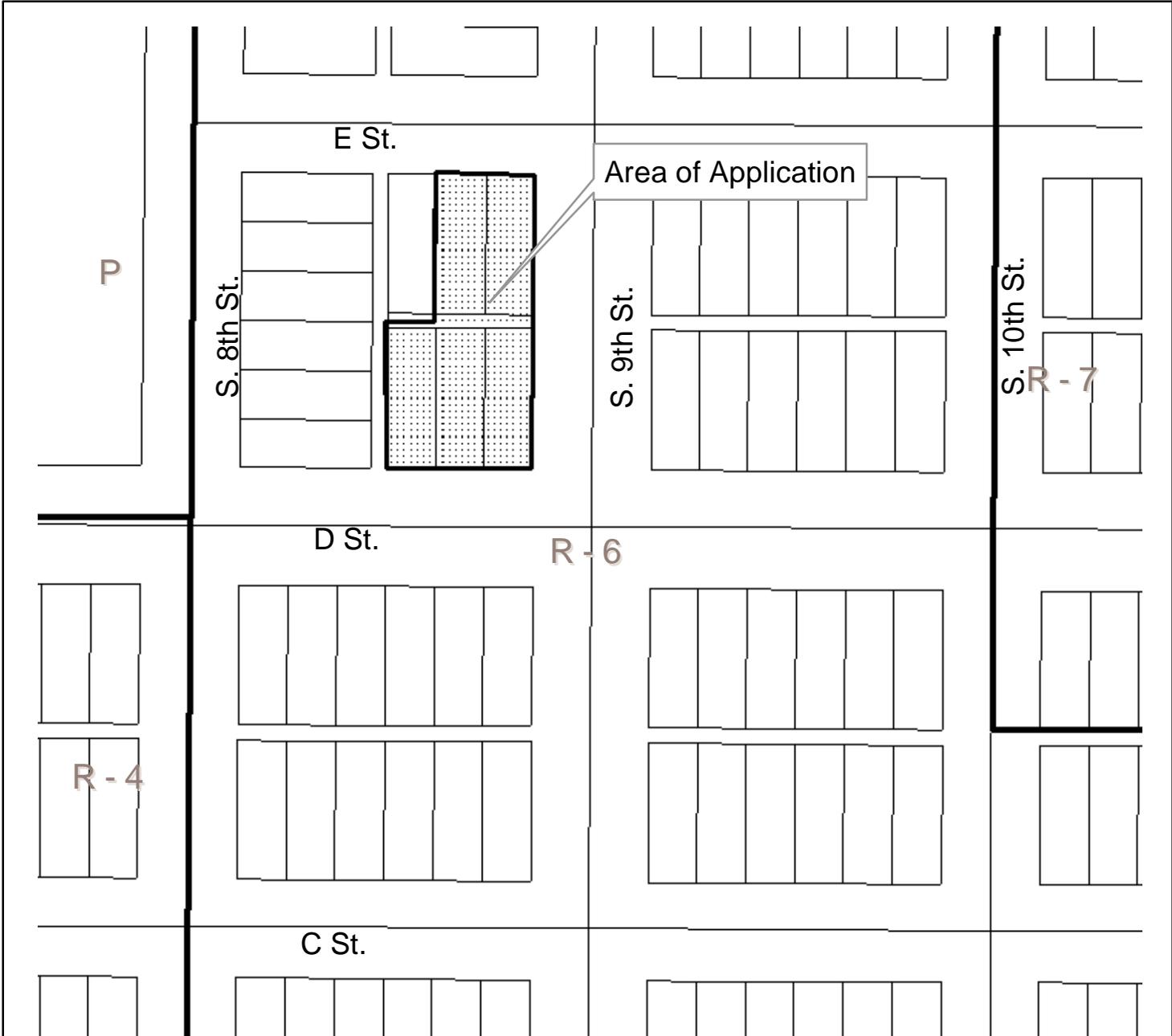
Planner

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**Special Permit #1996**  
**S. 9th & D St.**



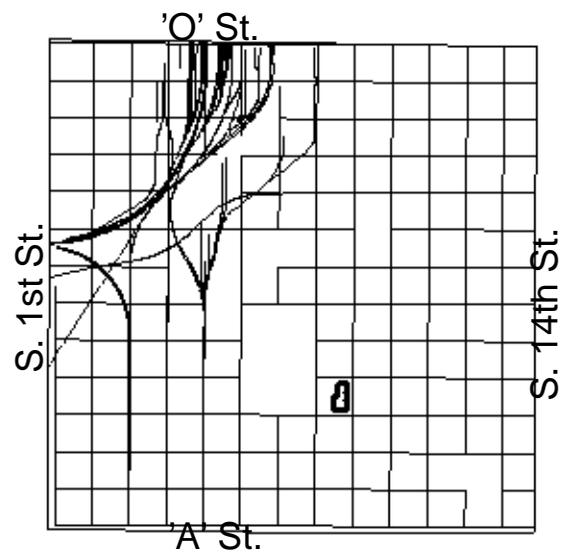


**Special Permit #1996**  
**S. 9th & D St.**

**Zoning:**

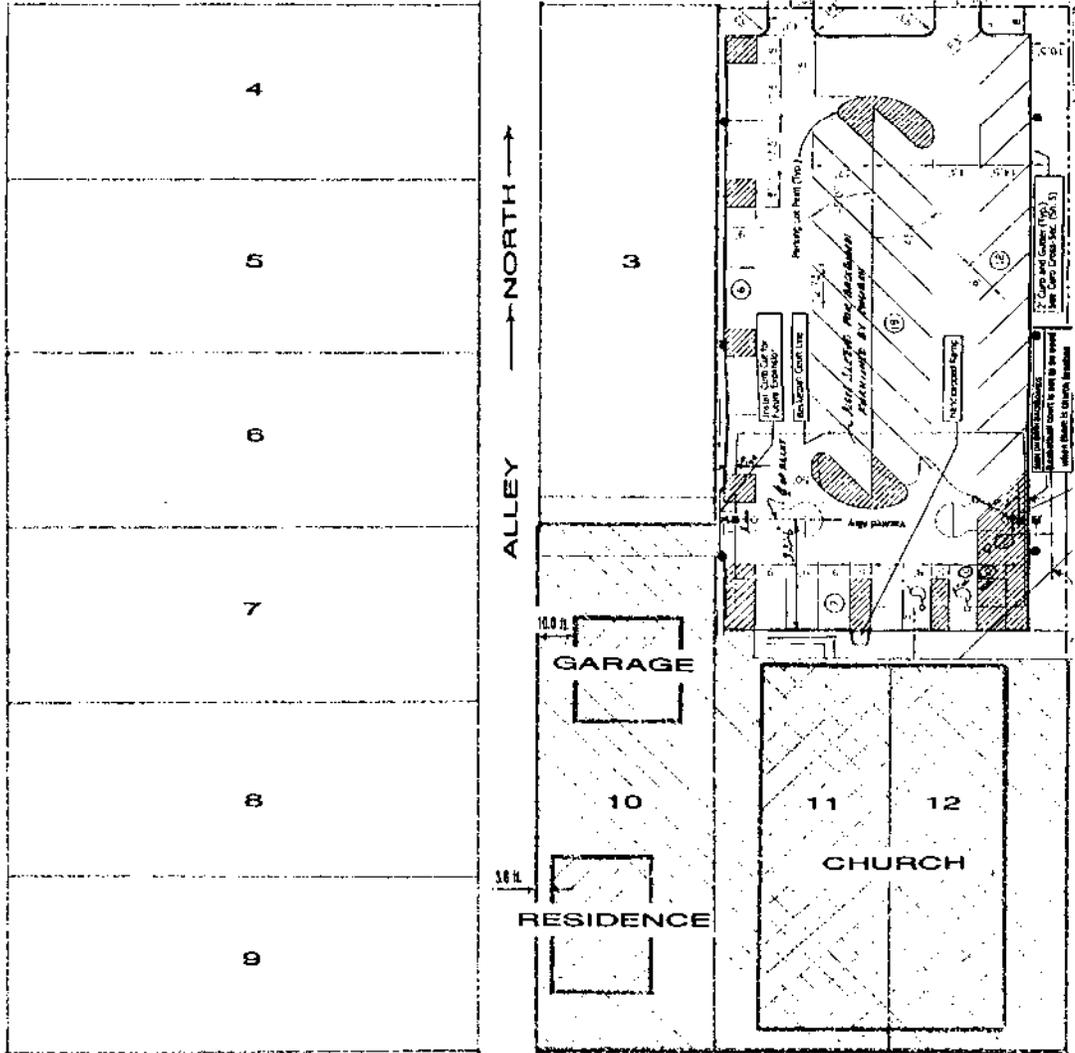
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
 Sec. 26 T10N R6



"E" STREET

8th STREET



NORTH →

ALLEY

9th STREET

"D" STREET

ZION CHURCH, PCA PROPERTY

838 "D" STREET LINCOLN, NE

NOV. 12, 2002

KEATING, O'GARA, DAVIS & NEDVED, P.C.

A LIMITED LIABILITY ORGANIZATION  
ATTORNEYS AT LAW

CON M. KEATING  
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November 13, 2002

Beckie Horner  
City of Lincoln  
Planning Department  
555 South 10<sup>th</sup>, Room 213  
Lincoln, NE 68508

Re: Zion Church Special Permit

Dear Ms. Horner:

Enclosed is a zoning application form that I have completed on behalf of Zion Church. We are requesting a special permit that would expand our lot coverage by 5% pursuant to § 27.63.520 (b) in order that we can utilize a garage structure recently purchased at 828 "D" Street. The use of the garage would be for an expanded ministry of the church, primarily focused on our youth and the young people of this neighborhood.

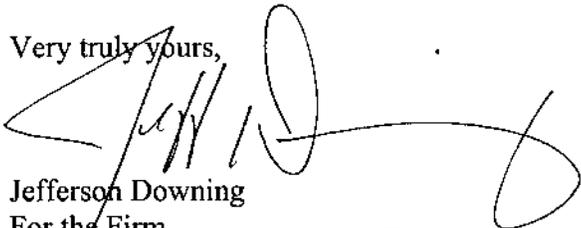
This confirms that Zion Church is the owner of record of Lot 10, Block 192 also known as 828 "D" Street. It is my understanding that Lincoln Federal Savings Bank of Nebraska is a lien holder.

Attached hereto are the following:

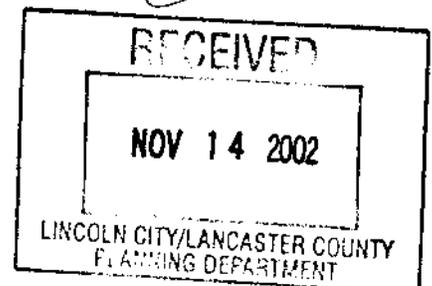
1. City of Lincoln zoning application;
2. Register of Deeds printout showing ownership;
3. Plat of property showing Zion Church as well as the residence and garage located on Lot 10; and
4. Filing fee of \$195.00.

Please call if you have any questions.

Very truly yours,

  
Jefferson Downing  
For the Firm  
E-mail: [jd@keatinglaw.com](mailto:jd@keatinglaw.com)

JD/rg  
Enclosures



# ZION CHURCH PROPERTY

## MASON PROPERTY

$$\text{LAND } 50' \times (142.15' + 8') = 7,507.50 \text{ SQ. FT.}$$

### BUILDINGS

$$\text{HOUSE } 30.6' \times 28.5' = 1,100.1 \text{ SQ. FT.}$$

$$\text{GARAGE } 30.5' \times 30.5' = 930.25 \text{ SQ. FT.}$$

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$$\text{TOTAL } 2,030.35 \text{ SQ. FT.}$$

$$2,030.35 \text{ SQ. FT.} \div 7,507.5 \text{ SQ. FT.} = 27\%$$

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## CHURCH LOT

$$100.15' \times 142.15' = 14,236.32 \text{ SQ. FT.}$$

### PARKING LOT

$$100.09' \times (142.15' + 16.0') = 15,829.23 \text{ SQ. FT.}$$

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$$\text{TOTAL } 30,065.55 \text{ SQ. FT.}$$

## CHURCH BUILDING

$$69.4' \times 103.7' = 7,196.78 \text{ SQ. FT.}$$

$$7,196.78 \text{ SQ. FT.} \div 30,065.55 \text{ SQ. FT.} = 23.9\%$$

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$$\text{CHURCH LOT} = 14,236.32 \text{ SQ. FT.}$$

$$\text{PARKING LOT} = 15,829.23 \text{ SQ. FT.}$$

$$\text{MASON LOT} = 7,507.50 \text{ SQ. FT.}$$

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$$\text{TOTAL } 37,573.05 \text{ SQ. FT.}$$

$$\text{CHURCH BLDG.} = 7,196.78 \text{ SQ. FT.}$$

$$\text{MASON HOUSE} = 1,100.1 \text{ SQ. FT.}$$

$$\text{MASON GARAGE} = 930.25 \text{ SQ. FT.}$$

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$$\text{TOTAL } 9,227.13 \text{ SQ. FT.}$$

$$9,227.13 \text{ SQ. FT.} \div 37,573.05 \text{ SQ. FT.} = 24.6\%$$

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Becky Horner

**DATE:** November 26, 2002

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

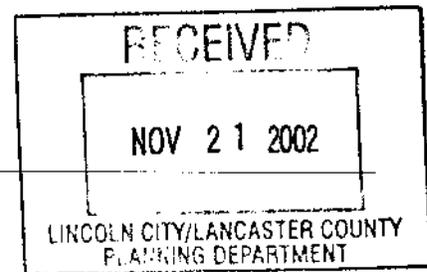
**DEPARTMENT:** Health

**CARBONS TO:** Bruce Dart, Director  
EH File  
EH Administration

**SUBJECT:** Zion Church  
SP #1996

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed special permit application #1996 for the Zion Church for any possible negative public health impacts. At this time, the LLCHD does not have any further comment regarding this special permit application.

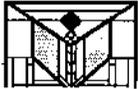
M e m o r a n d u m



[REDACTED]

**To:** Becky Horner, Planning Dept.  
**From:** <sup>BB</sup> Bruce Briney, Public Works and Utilities  
**Subject:** Special Permit #1996, Zion Church  
**Date:** November 20, 2002  
**cc:** Ed Zimmer  
Nicole Fleck-Tooze  
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Special Permit 1996 for Zion Church, 825 'D' Street, to expand the lot coverage by 5%. Public Works has no additional comments.



**Rodger P Harris**

11/26/2002 08:41 AM

To: Rebecca D Horner/Notes@Notes  
cc: Chuck A Zimmerman/Notes@Notes  
Subject: SP 1996, Zion Church at 9th & D St.

We have no objection to the expanded lot coverage for this church.

**City of Lincoln, Nebraska**

**IMPORTANT**

**All revisions to plans must include Building Permit # and Job Address.**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

**Plan Review Comments**

Permit # **DRF02090**

Address

Job Description: **Development Review - Fire**

Location: **ZION CHURCH**

Special Permit: **Y 1996**

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By **BECKY HORNER**

Status of Review: **Denied**

11/18/2002 9:07:48 AM

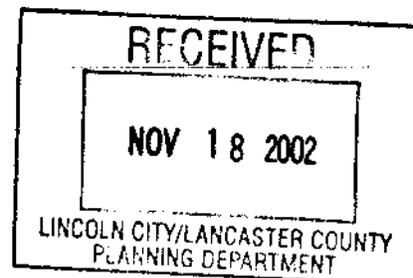
Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

**BOB FIEDLER**

Comments: **a change of occupancy must be obtained from building & safety for a use other than a garage.**

**Current Codes in Use Relating to Construction Development in the City of Lincoln:**

- 2000 International Building Code and Local Amendments
- 2000 International Residential Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 2000 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards





**MICHAEL WOOLMAN**  
<lpd737@CJIS.CI.LIN  
COLN.NE.US >

To: R Horner <RHorner@ci.lincoln.ne.us >  
cc:  
Subject: Zion Church

11/19/2002 09:32 AM

Ms. Horner,

The Lincoln Police Department has no objections to the Zion Church SP #19969.

Michael S. Woolman  
Planning Sergeant  
Lincoln Police Department

**Richard J Furasek**

To: Rebecca D Horner/Notes@Notes

11/18/2002 07:21 AM

cc:

Subject: Zion Church

After reviewing special permit #1996, I see no problem with the request from the department's perspective. Thanks.

Richard J. Furasek  
Assistant Chief Operations  
Lincoln Fire & Rescue  
1801 Q Street  
Lincoln Ne. 68508  
Office 402-441-8354  
Fax 402-441-8292